

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**TRADING PLACES INTERNATIONAL,  
LLC,**

**PLAINTIFF,**

**vs.**

**CASE No. 6:15-cv-03092-BP**

**SUMMERWINDS RESORT SERVICES,  
LLC, ET AL.,**

**DEFENDANTS.**

**MOTION TO DISMISS DUE TO LACK OF SUBJECT-MATTER JURISDICTION**

COME NOW Defendants Summerwinds Resort Services, LLC and Stormy Point Village – Phase III Property Owners Association (“Defendants”), by and through undersigned counsel, and for their Motion to Dismiss Due to Lack of Subject Matter Jurisdiction state as follows:

1. Plaintiff Trading Places International, LLC (“Plaintiff”) brings this action alleging diversity jurisdiction against Defendants.

2. In Plaintiff’s Complaint, no facts are alleged which may establish the citizenship of the two parties which are Limited Liability Companies. In its ¶¶ 1 and 2 of its Complaint, only the state of registration and the principal place of business of the LLCs are alleged and not the citizenship of those members of the LLCs.

3. In Mallory & Evans Contractors & Engineers, LLC v. Tuskegee University, 663 F.3d 1304, 274 C.A.11 (Ala.) 2011, the court on its own motion held that allegations of citizenship were insufficient where the allegation was only that an LLC “is a Limited Liability Company created under the laws of the State of Georgia with its principal place of business...in Scottdale,

Georgia.” The Court cited to previous rulings where “a limited liability company, like a partnership, is a citizen of any state of which a member of the company is a citizen.” It continues that “to sufficiently allege the citizenships of these unincorporated business entities, a party must list the citizenships of all the members of the limited liability company...”

4. As Plaintiff has failed to allege the members of Plaintiff and Defendants LLCs, it has not alleged facts in which this court can determine that no parties are citizens of the same state and thus it has not established subject-matter jurisdiction on the face of the pleadings.

**WHEREFORE**, Defendants pray for an Order of this Court dismissing Plaintiff’s Complaint, and for such other and further relief as this Court deems just and proper.

**NEALLY LAW, LLC**

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**ATTORNEY FOR DEFENDANTS**

**SUMMERWINDS RESORT SERVICES,**

**LLC AND STORMY POINT VILLAGE -**

**PHASE III PROPERTY OWNERS**

**ASSOCIATION, INC.**

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the above and foregoing was submitted this 28th day of April, 2015 via ( ) U.S. Mail, ( ) facsimile, ( ) hand delivery, and/or (x) electronic mail to:

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